

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
MONDAY, SEPTEMBER 9, 2024
TOWN OF NEW HARTFORD MUNICIPAL OFFICES
8635 CLINTON STREET, NEW HARTFORD, NEW YORK**

The Regular Meeting was called to order by Chair Heather Mowat at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members Julius Fuks, Jr., Lisa Britt, James Decker, Wilmar Sifre, Manzur Sikder and Rocco Arcuri. Also in attendance, Town Attorney Herbert Cully, Councilman David Reynolds, Highway Superintendent Richard Sherman, Contract Engineer John Dunkle, secretary Dory Shaw.

Minutes of June 10, 2024 Planning Board meeting were addressed. Motion was made by Board Member Wilmar Sifre to approve these minutes as written; seconded by Board Member Manzur Sikder. All in favor.

New Paris Road Solar (Humphreys Farm), Tibbitts & Paris Roads, New Hartford, New York.
Amendment to Final. Tax Map #338.000-3-33.1; Zoning: Agricultural.

Chair Mowat was approached by the applicant regarding a couple of changes for this project. We met with them and requested John Dunkle to look at the changes for this amendment. Mr. Dunkle said they are minor changes, fencing, etc. Overall, he doesn't see any significant impact on storm water management...it will drain and continue to do so, but they haven't made it any more significant. The applicant is ready to move forward on this project.

Board Member Britt referred to the drainage, which was answered by Mr. Dunkle; and also the temporary stock pile, is it dirt – yes. It will be stabilized and removed. Also, landscaping – the applicant is communicating with Mr. John D'Amore who lives nearby about this item.

Oneida County 239 from Oneida County Planning was received with no recommendation as to final action.

There being no further discussion, motion was made by Board Member Manzur Sikder to approve the amended site plan and the Special Use approvals to New Paris Road Solar 1, LLC for minor project modifications as described in their memorandum of July 3, 2024 and as shown on the site plans for July 2024; seconded by Board Member Wilmar Sifre. Vote taken:

Chair Mowat – yes
Board Member Wilmar Sifre - yes
Board Member Rocco Arcuri – yes
Board Member Julious Fuks, Jr. – abstained.

Board Member Manzur Sikder – yes
Board Member Lisa Britt – yes
Board Member James Decker – yes

Motion **approved** by a vote of 6 for approval – 1 (abstention).

Motion made by Board Member Manzur Sikder to reaffirm the prior Negative Declaration issued by the Planning Board as Lead Agency under the State Environmental Quality Review Act on November 14, 2022; seconded by Board Member Rocco Arcuri. Vote taken:

Chair Mowat – yes	Board Member Manzur Sikder – yes
Board Member Wilmar Sifre - yes	Board Member Lisa Britt – yes
Board Member Rocco Arcuri – yes	Board Member James Decker – yes
Board Member Julious Fuks, Jr. – abstained.	

Motion **approved** by a vote of 6 for approval – 1 (abstention).

CNY Masonry, 8142 Seneca Turnpike, Clinton, New York (Town of New Hartford). Amendment to Final. Tax Map #328.000-2-17; Zoning: C2 Commercial Retail Business. Mr. Mario Jellencich, owner, appeared before the Board.

Mr. Jellencich received a variance from the Zoning Board of Appeals for his project. He would like to start selling equipment from his location and had submitted a set of plans from his architect, Philip Sbarra, that shows the proposed building addition to this business. This application is an Amendment to Final to add storage. This will be an ancillary use. He has to get a New York State Dealers License to purchase equipment. He referred to an easement where he cannot build. He further explained that he has to do business through Facebook Market Place as it is hard to do business today any other way – he resells a lot of equipment. The equipment will be on site – nothing out front. The reason why he needs this building is for his business and to keep his property looking good and safe. Next to the proposed building is a wooded area.

There being no further discussion, motion was made by Board Member Rocco Arcuri to grant an Amendment to Final for CNY Masonry; seconded by Board Member Wilmar Sifre. Vote taken:

Chair Mowat – yes	Board Member Manzur Sikder – yes
Board Member Wilmar Sifre - yes	Board Member Lisa Britt – yes
Board Member Rocco Arcuri – yes	Board Member James Decker – yes
Board Member Julious Fuks, Jr. – yes	

Motion **approved** by a vote of 7 – 0.

Mr. Joseph Rachiele, P.E., P.C., appeared before the Board for **3354 Oneida Street, Chadwicks, New York.** Tax Map #349.020-1-22; Zoning: C2 Commercial Retail Business. Proposed music center (Dr. Lulu).

Mr. Rachiele referred to four issues for this project 1) insurance (the creek); 2) turning radius, i.e., fire apparatus; 3) sprinklers; 4) egress from third floor. He had submitted updated preliminary parking plans as a pre-purchase for the proposed applicant for this project. The plans show the updated information for the Willowvale Fire Department turning radius, parking information. The first floor has 10 learning

rooms – 10 parking spots; second floor is an accessory apartment, 2 parking spots. The structure will remain basically the same. Improvements will be made, i.e. upgrades. He felt parking was resolved. Town Attorney Cully mentioned the parking proximity to the bank – some parking was moved forward. Mention of embankment work at some time was brought up. Mr. Rachiele presented a photo of the current condition of the embankment. A NYSDEC permit would be required. Mr. Dunkle said that he needs to work on this bank issue. Mr. Rachiele mentioned that Dr. Lulu doesn't own the property yet. However, he feels that area is stable and it is far from the parking lot. Discussion ensued regarding the parking area also. They need to make sure it is permanently established to be able to have proposed parking. Mr. Dunkle also mentioned that parking needs to include no public events because we don't have any shared parking agreement. Any approvals should be established for nonpublic events which would require a special permit, parking layouts and turning of fire trucks, etc. He also referred to Option 2 plan as it meets the parking codes other than public events. Mr. Rachiele again referred to what they would like to do at the site and perhaps in the future.

Chair Mowat referred to insurance: are you going to be indemnifying the Town as long as he owns the property. The money amount was discussed. Town Attorney Cully could ask the Town Board about this – the Town Board would have to approve the indemnification.

Preliminary review and SEQR process was addressed. This needs to be put together for SEQR review. Attorney Cully explained the process, i.e. subject to an indemnification approved by the Town Board with an amount of money decided upon of coverage and review of any special permits in the instance they want to hold any public events and limited to private events. Main concern is the collapse of the bank.

Planning Board Member Julius Fuks mentioned that any time you do work along that streambank, it is subject to permits and he explained why. There is a different set of rules and regulations.

Mrs. Chris Martin, owner of the property, addressed the Board and what occurred with NYSDEC and Army Corps. There was a grant that had expired – a plan. Mrs. Martin said she hired an engineer who put rock in and the Army Corp was brought in. They would still have to go through the permit process. She explained what occurred on this property. The retaining wall is on the plan and it was explained how it was constructed.

Discussion continued on what was done previously and the future. It was stated that an engineered bank design stabilization is needed as reassurance it will not move. A lot of this discussion was for any future work. Right now we'd like to discuss parking lot and stabilization of embankment. Mr. Dunkle is not comfortable about a bank with a storm event. Mr. Rachiele said he can propose a plan that can work.

As far as the accessory structure, we are not going to do anything now but, in the future, we may have to come back. Mr. Dunkle feels it is part of the approval – how do we get confirmation on this – that is why we want a stabilization of the bank and the indemnification agreement.

Discussion ensued regarding further review at this time, as long as the indemnification and bank stabilization for private use subject to review and approval by the Town Board and a time limit for the stabilization plan.

Board Member Britt asked about the NYSDEC and Army Corp review – it is a part of SEQR review.

Motion was made by Board Member Lisa Britt to grant preliminary approval and to declare the Planning Board Lead Agency and send out for SEQR review; and 1) that agencies subject to this being a private use (no public events); 2) an indemnification - \$500,000; subject to an engineered design of bank stabilization; 3) and additional stabilization in rear of parking lot; seconded by Board Member Rocco Arcuri. Vote taken:

Chair Mowat – abstained
Board Member Wilmar Sifre - yes
Board Member Rocco Arcuri – yes
Board Member Julious Fuks, Jr. yes

Board Member Manzur Sikder – yes
Board Member Lisa Britt – yes
Board Member James Decker – yes

Motion **approved** by a vote of 6 – 1.

Chair Mowat brought the Board Members up-to-date on previously submitted applications.

There being no further business, the meeting adjourned at approximately 6:30 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbb